

**PUBLIC MEETING
February 9, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kelly Blake, K. Paul Stahl, Katie Jerstad, Lindsay Morgan, Jeff Sealey, Carrie Severson, Cheryl Green, Rebecca Shaw, Jack Walsh, Mark Simonich, Terry and Phil Lamping, Ron and Roberta Nelson, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes for January 26 and January 28, 2010. (Carole Byrnes)
- b. Independent Contractor Contract Between Lewis and Clark County and Bill Montanye to Complete and Perform Services at Specific Project Locations Throughout Lewis & Clark, Jefferson and Broadwater Counties Through the Tri-County SafeFire Working Group Wildland Fuel Mitigation Program. (Pat McKelvey)
- c. Department of Justice 2009 Bullet Proof Vest Partnership Grant in the Amount of \$4,322.50. (Tammy Potter)
- d. CDBG-ED Planning Grant Application for \$12,750 to Help Fund the Helena Indian Alliance Facility Master Plan for Sheridan Hall and the Colorado Building. (Laura Erikson)
- e. Preserve America Grant Application for \$35,836 to Fund a Baseline Lewis and Clark County Historic Site Inventory. (Paul Putz)
- f. Building Rural Communities Program Grant Application for \$5,000 in Matching Fund Requirements for Replacement of the Historic Lincoln Community Hall Roof. (Rebecca Shaw)
- g. Resolution 2010-40 Ordering a Refund of Taxes/Fees/Assessments Paid by Andy Skinner in the Amount of \$594.29. (Cheryl Green)
- h. Resolution 2010-41 Ordering a Refund of Taxes/Fees/Assessments Paid by Sumist Two LLC in the Amount of \$310.28. (Cheryl Green)
- i. Resolution 2010-42 Ordering a Refund of Taxes/Fees/Assessments Paid by Myron D and Tamara B. Laib in the Amount of \$304.60. (Cheryl Green)
- j. Resolution 2010-43 Ordering a Refund of Taxes/Fees/Assessments Paid by John C. and Marguerite Beckman in the Amount of \$340.27. (Cheryl Green)
- k. Resolution 2010-44 Ordering a Refund of Taxes/Fees/Assessments Paid by Roger M. Dey and Errin L. Stolp in the Amount of \$64.40. (Cheryl Green)
- l. Resolution 2010-45 Ordering a Refund of Taxes/Fees/Assessments Paid by Hamlin Construction & Development Co., Inc. in the Amount of \$776.60. (Cheryl Green)
- m. Resolution 2010-46 Ordering a Refund of Taxes/Fees/Assessments Paid by Hamlin Construction & Development Co., Inc. in the Amount of \$1,361.93. (Cheryl Green)
- n. Resolution 2010-47 Ordering a Refund of Taxes/Fees/Assessments Paid by Hamlin Family Revocable Living Trust in the Amount of \$56.81. (Cheryl Green)

- o. Resolution 2010-48 Ordering a Refund of Taxes/Fees/Assessments Paid by Hamlin Family Revocable Living Trust in the Amount of \$550.56. (Cheryl Green)
- p. Resolution 2010-49 Ordering a Refund of Taxes/Fees/Assessments Paid by Yvonne E. and Joline L. Hartze in the Amount of \$13.04. (Cheryl Green)
- q. Resolution 2010-50 Ordering a Refund of Taxes/Fees/Assessments Paid by Donna Baker in the Amount of \$14.41. (Cheryl Green)
- r. Resolution 2010-51 Ordering a Refund of Taxes/Fees/Assessments Paid by Gordon Young in the Amount of \$103.23. (Cheryl Green)
- s. Resolution 2010-53 to Appoint Trustees James Senterfitt and Colleen Senterfitt to the Montana City Fire District, Lewis and Clark County Division. (Carrie Severson)

CAO Bryson reported on the consent action items and recommended approval. The tax refunds are a combination of error in the assessment or the wrongly assessed value of the property by the Department of Revenue.

Deputy County Attorney Stahl stated most of these refunds now are based upon reappraisal and the protest that people paid. The county commission is the only authority that can refund the Department of Revenue error, except for centrally assessed property, which is a little bit different. Also, people who have paid their taxes are entitled to interest.

No public comment was received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign where appropriate. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Announcements:

- Commissioner Brown read a Proclamation celebrating the 100th Anniversary of the Boy Scouts of America. The Commission proclaimed the week of February 7-13, 2010 as Boy Scouts of America Week in Lewis and Clark County.
- Everyone was asked to wish Commissioner Hunthausen a Happy Birthday.

Reconsideration of Preliminary Plat Approval and Associated Conditions For Fox Trot Estates Subdivision – II. (Applicants Jerry and Genevieve Christison) (Planner: Lindsay Morgan) The Commission will reconsider the preliminary plat approval and associated conditions for the Fox Trot Estates Subdivision - II, creating 13 lots, each to be used for one single-family dwelling. The original preliminary plat approval was granted on April 27, 2006.

Deputy County Attorney Jeff Sealey reported that Christison's legal counsel has requested that the reconsideration be rescheduled or continued to a different date to allow more time to prepare their comments for the commission. Staff agreed with continuing the meeting.

No public comment was received.

Commissioner Hunthausen moved to table action until March 4th at the request of the applicant. Commissioner Brown seconded the motion. The motion carried 3-0.

Commissioner Murray stated reluctantly, we will accept comment in writing this morning if this is the only opportunity someone has to comment. No public comments were received. Tabled to March 4th.

Public Hearing. A Resolution Calling for an Election on the Question of Incorporation of a County Water and Sewer District for an Area East of the City of East Helena and to Elect the Board of Directors of Such District. (Planner: Carrie Severson) The Commission will consider the petition and benefitting properties described therein.

Carrie Severson presented the staff report. The county has received a petition requesting a county water and sewer district for an area east of East Helena. The elections office has reviewed the petition and determined that it has been signed by at least 10 percent of the registered voters of the territory included within the proposed district. The petition also called for the district to be incorporated. The public hearing procedure was reviewed.

Public Hearing.

Terry Lamping, 3789 Hwy. 12 East, East Helena. Supported creating the water and sewer district because the property owners will be eligible to apply for grant money to help fund the project. The residents are aware that they waive the right to annexation in creating the district and connecting to the City of East Helena sewer and water services. She provided more letters of support.

Bill Casey, Public Works Director for the City of East Helena, Box 729, East Helena. Preliminary engineering is there and the capacity at the plant is more than adequate to handle that development. Some time in the future it is possible to extend services across Oak Street.

No other public comments were received.

Commissioner Brown moved that the commission accept the petition as being valid. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Commissioner Brown moved to open the protest period as of today and end the protest period on March 8. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Ms. Severson described the public protest process.

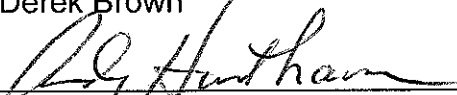
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:41 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board